

HOUSE BILL 1209
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 3, relative to learner permits, driver licenses and photo identification cards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-321(a), is amended by deleting the language "that is satisfactory to the driver license examiner" and by substituting instead the language "pursuant to § 55-50-325".

SECTION 2. Tennessee Code Annotated, Section 55-50-321, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) Pursuant to the provisions of § 55-50-325, the driver license examiner is authorized and required to obtain positive proof of age and identification of any person taking an examination for a driver license. The applicant shall make certification on the application as to the applicant's age and identification, and, in addition, shall submit to the driver license examiner other documentation meeting the requirements of § 55-50-325 and the criteria established by rules promulgated by the commissioner as proof of age and identification.

SECTION 3. Tennessee Code Annotated, Section 55-50-321(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) Except as otherwise provided in § 55-50-325, every application shall state the full name, date and place of birth, sex, county of residence, residence address, including the street address and number or route and box number (or the post office box number if the applicant has no bona fide residential street address) of the applicant, height, weight, hair and eye color, social security number, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and such other information as the department may require to determine the applicant's identity, competency, and eligibility. The information regarding the applicant's social security number shall be maintained in the records of the department of safety for use as required by any provisions of state or federal law relative to child support establishment or enforcement or for such other purposes as may be required by law. If the department allows the use of a number other than the social security number on the face of the license, and the social security number obtained on the application is kept on file with the department, the department shall so advise the applicant. Any applicant for a Tennessee driver license who desires the assistance of an interpreter in order to make application for a license and complete the required application shall be responsible for procuring such assistance; provided, that nothing contained within the provisions of this part shall be construed or implemented in any manner which violates the provisions of the Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.

SECTION 4. Tennessee Code Annotated, Section 55-50-336, is amended by deleting subsection (a) in its entirety:

(a)

(1) Any person eighteen (18) years of age and older, upon submission of a satisfactory application and proof of identity, may be issued a photo

identification license restricted in use to identification only. Proof of identity shall be established pursuant to the provisions of § 55-50-325.

(2) Any person less than eighteen (18) years of age may be issued, upon submission of a certified birth certificate, filing of an affidavit by the person's parent or legal guardian, and upon proof of identity of the parent or legal guardian and upon payment of the required fee and completion of application, a photo identification license. Proof of identity shall be established pursuant to the provisions of § 55-50-325.

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section 55-50-325.

(a) Notwithstanding any provision of law to the contrary, all applicants for initial issuance, or renewal, of a driver license, learner or instruction permit, intermediate driver license, or photo identification license shall be required to prove their identity through use of an identification point system.

(b) All licenses issued pursuant to the provisions of this chapter shall require six (6) points for proof of identification. An applicant shall present such documentation to the driver license examiner at the time of application.

(c) The following documents, with corresponding point value, may be used to prove identity for the purposes of this section:

(1) Tennessee driver license, learner or instruction permit, intermediate driver license, or photo identification license, six (6) points; provided, that such license is valid or not expired for more than two (2) years;

(2) An attestation to the driver license examiner of one (1) person who possesses a valid driver license issued in this state who shall attest,

in writing, under oath, that the applicant has truthfully identified such applicant in the applicant's affidavit, four (4) points; provided, that if the applicant is under eighteen (18) years of age, such oath may be administered to, and the affidavit attested and signed by, a parent or legal guardian of such applicant, if such parent or legal guardian possesses a valid driver license issued in this state; provided further, that date of birth and social security number requirements are satisfied in accordance with the provisions of this section;

(3) United States passport, four (4) points; provided, that such passport is valid or not expired for more than two (2) years;

(4) Certificate of citizenship (N-560, N-561, or N-645), three (3) points;

(5) Certificate of naturalization (N-550, N-570, or N-578), three (3) points;

(6) Foreign passport with a valid I-551 stamp except with status code CR, three (3) points; provided, that such passport is in English or translated by an embassy;

(7) Foreign passport with a valid I-551 stamp with status code CR, three (3) points; provided, that such passport is in English or translated by an embassy;

(8) Permanent resident card I-551 except with status code CR, three (3) points;

(9) Permanent resident card I-551 with status code CR, three (3) points;

(10) Foreign passport with a visa passport document and I-94, three (3) points; provided, that such passport must be in English or translated by an embassy;

(11) Foreign passport with a visa passport document and I-94 with status code J1 or J2 and with an IAP-66, three (3) points; provided, that the applicant must show the original entry document and any extension document stamped by the immigration and naturalization service with the IAP-66;

(12) Foreign passport with a visa passport document and I-94 with status code F1 or F2 and an I-20, three (3) points; provided, that the applicant must show the original entry document and any extension document stamped by the immigration and naturalization service with the I-20;

(13) Re-entry permit (I-327), three (3) points; provided, that such permit has not expired;

(14) Refugee travel document (I-571), three (3) points; provided, that such document has not expired;

(15) Immigration and naturalization service employment authorization card (I-688B or I-766 with photo), three (3) points;

(16) United States military photo identification card (issued to military personnel only), three (3) points;

(17) Social service card, e.g. food stamp card, with photograph, three (3) points;

(18) Tennessee handgun permit, two (2) points;

(19) Tennessee professional licenses, two (2) points;

(20) Photo driver license issued by another state, jurisdiction, or possession, or a Canadian province or territory, two (2) points; provided, that such license is valid or not expired for more than two (2) years;

(21) United States social security card (must have signature), two (2) points;

(22) Tennessee motor vehicle or boat registration, two (2) points;

(23) Tennessee certificate of title, two (2) points;

(24) Social service card, e.g. food stamp card, without photograph, two (2) points;

(25) Marriage or divorce record or court-issued name change document issued by a state, jurisdiction, or possession of the United States, two (2) points;

(26) United States college or university identification with photograph and transcript, two (2) points;

(27) United States high school identification with report card, two (2) points;

(28) Computer-printed pay stub or employee identification card, one (1) point; provided, that such pay stub has the applicant's name thereon;

(29) United States high school diploma or general education diploma, one (1) point;

(30) Supermarket check cashing card, one (1) point;

(31) Union membership card, one (1) point;

(32) United States health insurance card/prescription card, one (1) point;

(33) United States life insurance policy, one (1) point; provided, that such policy has been in effect for at least two (2) years;

(34) Utility bill, one (1) point;

(35) United States veterans universal access photo identification card, one (1) point;

(36) W-2 form, one (1) point; provided, that such form shall include the applicant's social security number;

(37) Bank statement, cancelled check with applicant's preprinted name, cash (ATM) card with applicant's preprinted name, or valid major United States credit card with applicant's preprinted name, one (1) point; provided that the maximum number of points toward proof of identification pursuant to this subdivision shall be one (1); and

(38) United States or United States territory birth certificate issued by a board of health, bureau of vital statistics, or United States department, zero (0) points; for the purposes of this section, United States territories are: American Samoa, Guam, Marianna Islands, Marshall Islands, Puerto Rico, Virgin Islands, and Wake Island.

(d)

(1) The department may place additional requirements and restrictions on documents listed in subsection (c).

(2) All documents presented at the time of application shall be original documents or certified copies of original documents.

(3) The department is authorized to retain any document for authentication for a period of time not to exceed thirty (30) days; provided, that the department may retain for any period of time any document that appears

altered or fraudulent on its face and shall seek criminal prosecution of the applicant presenting such document as otherwise provided by law.

(4) For the purposes of this chapter, driver license examiners are hereby empowered and authorized to administer oaths to applicants and attesting witnesses and to take affidavits.

(e) Any applicant for a license pursuant to this chapter shall provide the department, at the time of initial application or renewal, if not previously provided, a social security number. If the applicant is not eligible for a social security card, the applicant shall provide a letter from the United States social security administration that states that such applicant is not eligible for a social security card. Such letter shall be issued within thirty (30) days of the application for a license pursuant to this chapter. In addition to such letter, such applicant shall provide the immigration and naturalization service documents that the social security administration used to determine that such applicant is not eligible for a social security card.

(f) At the time of initial application for a license pursuant to the provisions of this chapter, an applicant shall provide the department satisfactory proof of age. For the purposes of this subsection, satisfactory proof of age may be established by presentation of the documents listed in subsection (c) subdivisions (3)-(16) and (38).

SECTION 6. The commissioner of safety is authorized to, and shall, promulgate rules and regulations to effectuate the provisions of this act.

SECTION 7. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2003, the public welfare requiring it.